

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

KEVONGH J. GRANT

Plaintiff,

v.

**APTIM ENVIRONMENTAL AND
INFRASTRUCTURE, INC., WITT
O'BRIEN'S, LLC, ODEBRECHT
CONSTRUCTION, INC., NATHAN
McCANN, ANDREW McCANN,
JOHN DOES, JANE DOES, and
UNKNOWN CORPORATIONS,**

Defendants.

Civil Action No. 2019-0025

Appearances:

Emile A. Henderson, III, Esq.,

St. Croix, U.S.V.I.

For Plaintiff

Sofia L. Mitchell, Esq.,

Kansas City, MO

Adam G. Christian, Esq.,

St. Thomas, U.S.V.I.

For Defendant Witt O'Brien's, LLC

Alex M. Moskowitz, Esq.,

Lisa Michelle Komives, Esq.,

St. Thomas, U.S.V.I.

Stefan B. Herpel, Esq.,

St. Croix, U.S.V.I.

For Defendant Aptim Environmental and Infrastructure, Inc.

Andrew C. Simpson, Esq.,

St. Croix, U.S.V.I.

For Defendant Odebrecht Construction, Inc.

Nathan McCann

No Appearance

Andrew McCann

No Appearance

ORDER

THIS MATTER comes before the Court on Plaintiff's "Notice of Filing No Objection to Extend the Time for Plaintiff to Respond to Defendant Odebrecht's Motion to Dismiss" ("Notice of Extension") (Dkt. No. 98), wherein Plaintiff states that Defendant Odebrecht Construction, Inc. ("Defendant Odebrecht") has given an extension of time of 30 days for Plaintiff to file his Opposition to Defendant Odebrecht's Motion to Dismiss.

Pursuant to LRCi 6.1(b)(7), in the absence of a court order setting the deadline for the response to a motion, the parties may negotiate a reasonable extension of the deadline to respond "which shall not exceed 30 days from the deadline otherwise prescribed in [Local Rule 6.1]." The Rule further provides that the party seeking the extension "*must file notice of any such negotiated extension before the filing date prescribed in this Rule.*" LRCi 6.1(b)(7) (emphasis added).

Defendant Odebrecht's Motion to Dismiss was filed on February 25, 2022. (Dkt. No. 96). Pursuant to LRCi 6.1(b)(1), Plaintiff had 21 days from the filing of the Motion to Dismiss, or until March 18, 2022, to file his response. However, while dated March 18, 2022, Plaintiff's Notice of Extension was not *filed* until March 21, 2022. Accordingly, the Notice does not comply with the requirements of LRCi 6.1(b)(7) for a negotiated extension. If Plaintiff still wishes to seek an extension of time to file his response, he must file a motion requesting such an extension from the Court.

UPON CONSIDERATION of the foregoing, and in accordance with LRCi 6.1(b)(7), it is hereby

ORDERED that Plaintiff's "Notice of Filing No Objection to Extend the Time for Plaintiff to Respond to Defendant Odebrecht's Motion to Dismiss" (Dkt. No. 98) is **REJECTED**; and it is further

ORDERED that Plaintiff's "Notice of Filing No Objection to Extend the Time for Plaintiff to Respond to Defendant Odebrecht's Motion to Dismiss" (Dkt. No. 98) does not serve to extend the deadline for Plaintiff to respond to Defendant Odebrecht's Motion to Dismiss.

SO ORDERED.

Date: March 23, 2022

_____/s/_____
WILMA A. LEWIS
District Judge